

**RULES  
OF  
THE TENNESSEE BOARD OF POLYGRAPH EXAMINERS**

**CHAPTER 1160-1  
ADMINISTRATION AND ENFORCEMENT**

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**1160-1-.01      DEFINITIONS.**

As used in this chapter, unless the context otherwise requires, the term “Board”, “Secretary”, “Internship”, “Person”, “Polygraph Examiner”, and “Intern Sponsor” shall be defined as in T.C.A. •62-27-102.

**Authority:** T.C.A. 62-27-102 and 62-27-105(a). **Administrative History:** Original rule filed February 28, 1983; effective March 30, 1983.

**1160-1-.02      APPLICATIONS.**

- (1) An application for a polygraph examiner’s license or internship permit must be filed with the Secretary at least thirty (30) days before the meeting at which action is requested. The application shall be accompanied by:
  - (a) The fee required by T.C.A. 62-27-112;
  - (b) A 2” x 3” or 3” x 3” photograph of the applicant; and
  - (c) A full set of fingerprints made at a law enforcement agency by an agent or officer of such agency (the fingerprint card shall be entirely completed in the presence of such agent or officer).
- (2) An applicant’s file must be completed within ninety (90) days of the application date. The Board will consider only those applicants whose files are complete.

**Authority:** T.C.A. 62-24-105(a) and 62-27-108. **Administrative History:** Original rule filed February 28, 1983; effective March 30, 1983.

**1160-1-.03      EXAMINATIONS.**

- (1) Examinations for polygraph examiner’s licenses will be scheduled and administered by the Board approximately every six (6) months.
- (2) Examinations for internship permits will be scheduled by the Administrator at least quarterly, but not more than monthly; provided, however, that an intern examination will not be administered if there are no qualified applicants requesting examination ten (10) days prior to the scheduled date thereof.
- (3) Applicants must present a signed “test pass” for admission to an examination. Administrators of an examination will not admit any person without such a pass.
- (4) Intern polygraph applicants may take the intern examination after fulfilling the requirement of T.C.A. 62-27-107(1)-(6).

(Rule 1160-1-.03, continued)

- (5) An intern may take the examination for a polygraph examiner's license during his period of internship.

**Authority:** T.C.A. 62-27-105(a), 62-27-107(7) and 62-27-111(d). **Administrative History:** Original rule filed February 28, 1983; effective March 30, 1983.

#### **1160-1-.04 INTERN SPONSORS.**

The intern sponsor shall have the intern conduct during the six-month internship period at least seventy-five (75) examinations.

**Authority:** T.C.A. 62-27-105 and 62-27-111. **Administrative History:** Original rule filed February 28, 1983; effective March 20, 1983. Amendment filed August 26, 1986; effective November 29, 1986. Amendment filed June 20, 1990; effective August 4, 1990.

#### **1160-1-.05 COURSE OF STUDY FOR INTERNSHIP.**

- (1) Following notification of approval to act as an intern sponsor, the sponsor should review the intern's notebook, prepared during the intern's attendance at polygraph school, to determine that the intern has received adequate basic instruction in all phases of physiology; psychology; question formulation; test question wording; techniques; instrumentation; chart interpretation; and other areas to provide the intern with knowledge necessary to pursue advance training in detection of deception.
- (2) Based upon this review and interview of the intern, the sponsor will determine the areas in which the intern appears weak or lacking basic understanding and will concentrate on these areas during the appropriate phase of the intern training.
- (3) During the first month of internship, the intern will:
  - (a) Study and become thoroughly knowledgeable of the Tennessee Polygraph Examiners Act, and the rules and regulations promulgated thereunder.
  - (b) Observe the sponsor conduct pre-employment, periodic and specific polygraph examinations, and analyze polygraph charts to demonstrate the intern's understanding of basic test construction, question formulation, and criteria for interpretation of truth and deception in polygraph examinations.
  - (c) Conduct pre-employment, periodic, and specific polygraph examinations under the direct supervision, and in the presence, of the sponsor.
  - (d) Demonstrate proficiency in the operation of polygraph instruments, and be able to problem solve basic mechanical and electrical malfunctions of the instruments.
- (4) During the second month of internship:
  - (a) The sponsor will provide assistance and instruction necessary to assure that the intern understands the theory of Psychological Set, and that the intern demonstrates proficiency in formulation and introduction of control questions in the conduct of polygraph examinations utilizing the Backster; Zone of Comparison; MGZT (Mixed General Questions Test); Reid; R/I (Relevant/Irrelevant); and Peak of Tension polygraph techniques, and any other generally accepted testing techniques. Provided, however, that in no way should the aforementioned listing be utilized to limit the development and implementation of new polygraph techniques.

(Rule 1160-1-.05, continued)

- (b) The intern will be permitted to conduct pre-employment, periodic, and specific polygraph examinations with limited supervision of the sponsor, if the geographic location of the sponsor and intern prevents direct supervision.
  - (c) The sponsor will review each examination conducted by the intern to ensure that the intern is utilizing proper techniques, chart markings, and proper criteria in analyzing polygraph recordings.
  - (d) The intern will demonstrate to the sponsor's satisfaction that he/she is knowledgeable of legal aspects of the polygraph technique.
- (5) At the conclusion each sixty-day period, the sponsor will review with the intern the progress report submitted to the Board.
- (6) During the remaining four (4) months of internship, the sponsor will be physically present to observe the intern administer polygraph examinations at least one (1) time per week. However, the sponsor will be available to assist the intern with any problems encountered relating to polygraph matters.
- (7) Throughout the period of internship, the intern will complete hypothetical problems (prepared by the sponsor) requiring construction of polygraph tests utilizing various approved techniques; and the sponsor will conduct a comprehensive interview of the intern to ensure that he/she is properly prepared to successfully complete the examination for a license as a polygraph examiner.

**Authority:** T.C.A. 62-27-105 and 62-27-111. **Administrative History:** New rule filed August 26, 1986; effective November 29, 1986.

#### **1160-1-.06 PROFESSIONAL STANDARDS.**

- (1) Before beginning an examination, the polygraph examiner shall:
- (a) give the examinee a reasonable explanation of the polygraph technique;
  - (b) notify the examinee of the nature of the examination;
  - (c) notify the examinee of his right to consult an attorney;
  - (d) if the examination is an employment examination, present to the examinee the following form;

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#### **EMPLOYMENT EXAMINATION**

This examination will not cover any of the following areas (unless the examination is administered as a result of an investigation of illegal activity in such area, and the inability to pose relevant questions in relation to such illegal activity would be detrimental to such investigation):

- (1) Religious beliefs or affiliations.
- (2) Beliefs or opinions regarding racial matters.
- (3) Political beliefs or affiliations.
- (4) Beliefs, affiliations, or lawful activities regarding unions or labor organizations.

(Rule 1160-1-.06, continued)

- (5) Sexual preferences or activities.
- (6) Actions or activities more than five (5) years preceding the date of the examination, except for felony convictions and violations of the Tennessee Drug Control Act.

The questions that will be asked on this examination are:

(LIST OF QUESTIONS)

I certify that I have read this form, and that the polygraph examiner whose signature appears below has reviewed the questions listed above with me prior to the examination.

\_\_\_\_\_  
(Signature of Examinee)

\_\_\_\_\_  
(Signature of Examiner)

\_\_\_\_\_  
(Date)

- (e) require the examinee to sign and receive the following form(s):

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**CONSENT TO POLYGRAPH EXAMINATION**

- (A) I understand that I am voluntarily consenting to take this polygraph examination; that I have the right to refuse to take the examination; that I have the right to refuse to answer any question; and that I may terminate the examination at any time.
- (B) I understand that, upon written request to the examiner (which may be made on a form supplied by the examiner) *within thirty (30) days of the examination*, accompanied by payment of a fee of \$\_\_\_\_\_. \*I shall be provided with a written copy of any opinions or conclusions rendered as a result of the examination.
- (C) I understand that, upon written request to the examiner (which may be made on a form supplied by the examiner) *prior to the examination*, the examiner will make an audio tape recording of the entire examination (including pre-test interview). In the event that a test result shows that I have been deceptive and I have made such request, the examiner will keep the tape recording on file with other test results for a period of one (1) year. Such tape recording and test results will be available to me for inspection or copying during such one (1) year period.
- (D) I understand that the examiner will furnish me with a copy of the tape recording requested under paragraph (C) above within thirty (30) days of the receipt of the written request and payment of a fee \$\_\_\_\_\_. \*
- (E) I understand that this polygraph examination will be conducted by \_\_\_\_\_,  
Tennessee polygraph examiner number \_\_\_\_\_  
(name of examiner)  
\_\_\_\_\_, of \_\_\_\_\_.  
(address of examiner)
- (F) I further understand that if I feel that I have been mistreated in any way, I have the right to file a complaint with the Tennessee Board of Polygraph, 6<sup>th</sup> Floor, Davy Crockett Tower, 500 James Robertson Parkway, Nashville, TN 37243. (615) 741-1741.

I certify that I have read and understand the above notification, and that I have received a copy of this document.

(Rule 1160-1-.06, continued)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Examinee)

\*Not to exceed forty dollars (\$40.00)

## REQUEST FOR POLYGRAPH EXAMINATION RESULTS

I, the undersigned examinee, hereby request a written copy of any opinion or conclusions rendered as a result of the polygraph examination conducted on me by \_\_\_\_\_ of \_\_\_\_\_

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 (name of examiner)

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 (name of company)

I understand that I must pay a fee of \$ \_\_\_\_\_\* for these results, and that the examiner will provide them within thirty (30) days of receipt of this request and such fee.

(Signature of Examinee)

(Date of Request)

\$\_\_\_\_\_ fee received on \_\_\_\_\_, paid to \_\_\_\_\_  
(date)  
\_\_\_\_\_, representing \_\_\_\_\_.

\*Not to exceed forty dollars (\$40.00).

I certify that I have received the written copy of the polygraph examination results requested above.

(Signature of Examinee)

(Date of Receipt)

## REQUEST FOR AUDIO RECORDING OF POLYGRAPH EXAMINATION

I, the undersigned prospective examinee, hereby request that an audio recording be made of the polygraph examination (and pre-test interview) to be conducted on me by \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_  
(name of examiner) (name of company)

I understand that I must pay a fee of \$\_\_\_\_\_ \* for a copy of this recording, and that the examiner will furnish me such copy within thirty (30) days of receipt of this request and such fee.

(Signature of Prospective Examinee)

(Date of Receipt)

\$\_\_\_\_\_ fee received on \_\_\_\_\_, paid to \_\_\_\_\_,

(Rule 1160-1-.06, continued)

\_\_\_\_\_, (date)  
\_\_\_\_\_, representing \_\_\_\_\_.

I certify that I have received the copy of the polygraph examination recording request above.

\_\_\_\_\_  
(Signature of Examinee)

\_\_\_\_\_  
(Date of Receipt)

\*Not to exceed forty dollars (\$40.00)

- (2) The examiner shall attach verification of compliance with paragraph (1) of this rule to the test papers.
- (3) The polygraph examiner shall not conduct a polygraph examination if he believes through observation or other credible evidence, that the subject is physically or psychologically unfit for such examination.
- (4) All questions and answers during a polygraph examination shall be appropriately marked on the polygraph chart. If a numbered questions sheet is used, the number of the question (and the answer) shall be noted on the chart at the point asked; and the question sheet shall either be attached to the chart or entered in the subject's file.
- (5) There shall be an interval of at least ten (10) seconds between the completion of the subject's answer to a question and the beginning of the next question.
- (6) The polygraph examiner shall not render a verbal or written opinion, based on chart analysis, until the subject:
  - (a) has been asked the same pertinent and relevant question(s) on at least two (2) separate charts; and
  - (b) has been afforded a reasonable opportunity to explain any questionable responses which are evident on the chart.
- (7) The polygraph examiner shall request the examinee to sign his name to the last polygram conducted.
- (8) The inquiry, investigation, and interview in a pre-employment or employment verification examination shall be restricted to questions relevant to the examinee's suitability for the position of employment.
- (8) For the purpose of verifying compliance with applicable polygraph examination statutes and rules, the polygraph examiner shall, at the request of a majority of the Board, permit any board member(s) or investigator reasonable access to pertinent records kept in accordance with T.C.A. 62-27-124.

**Authority:** T.C.A. 62-27-117, 62-27-123 and 62-27-124, 10, Chapter No. 739, Public Acts of 1986.

**Administrative History:** Original rule filed February 28, 1983; effective March 30, 1983. Amendment filed August 26, 1986; effective November 29, 1986.

**1160-1-.07 CIVIL PENALTIES.**

- (1) The Board may, in a lawful proceeding respecting licensing (as defined in the Uniform Administrative Procedures Act), in addition to or in lieu of any other lawful disciplinary action, assess civil penalties for violations of statutes, rules, or orders enforceable by the Board in accordance with the following schedule:

<i>Violation</i>	<i>Penalty</i>
T.C.A. 62-27-117 (1)	0 - \$1,000
T.C.A. 62-27-117 (2)	0 - \$1,000
T.C.A. 62-27-117 (3)	0 - \$1,000
T.C.A. 62-27-117 (4)	0 - \$1,000
T.C.A. 62-27-117 (5)	0 - \$1,000
T.C.A. 62-27-117 (6)	0 - \$1,000
T.C.A. 62-27-117 (7)	0 - \$1,000
T.C.A. 62-27-117 (8)	0 - \$1,000
T.C.A. 62-27-117 (9)	0 - \$1,000
T.C.A. 62-27-117 (10)	0 - \$1,000
T.C.A. 62-27-117 (11)	0 - \$1,000
T.C.A. 62-27-117 (12)	0 - \$1,000
T.C.A. 62-27-117 (13)	0 - \$1,000
T.C.A. 62-27-117 (14)	0 - \$1,000

- (2) In determining the amount of any penalty to be assessed pursuant to this rule, the Board may consider such factors as the following:
- (a) Whether the amount imposed will be a substantial economic deterrent to the violator;
  - (b) The circumstances leading to the violation;
  - (c) The severity of the violation and the risk of harm to the public;
  - (d) The economic benefits gained by the violator as a result of noncompliance; and
  - (e) The interest of the public.

**Authority:** T.C.A. 56-1-308 and 62-27-105. **Administrative History:** New rule filed August 26, 1986; effective November 29, 1986. Amendment filed June 20, 1990; effective August 4, 1990.

**1160-1-.08 FEES FOR LICENSES.**

- (1) The fee to be paid by an applicant for an examination to determine his fitness to receive a polygraph examiner's license is one hundred dollars (\$100.00) which is not be credited as payment against the license fee.
- (2) The fee to be paid for an original polygraph examiners license is five hundred dollars (\$500.00).
- (3) The fee to be paid for an internship permit or certificate is one hundred dollars (\$100.00).
- (4) The fee to be paid for the issuance of a duplicate polygraph examiner's license is fifty dollars (\$50.00).
- (5) The fee to be paid for a polygraph examiner's renewal license is five hundred dollars (\$500.00).

(Rule 1160-1-.08, continued)

- (6) The fee to be paid for the extension or renewal of an internship permit or certificate is one hundred dollars (\$100.00).
- (7) The fee to be paid for a duplicate internship permit or certificate is fifty dollars (\$50.00).
- (8) The fee to be paid for a company license and renewal of such company license is one thousand dollars (\$1,000.00).
- (9) Licenses shall be subject to late renewal for a period of six (6) months following their expiration date by payment of the renewal fee plus a penalty of fifty dollars (\$50.00) for each month (or portion thereof) which elapses before payment is tendered.

**Authority:** T.C.A. 62-27-105, 62-27-107, 62-27-108, 62-27-111, 62-27-112 and 62-27-115; Public Acts of 1989, Chapter 523, 146 and 147. **Administrative History:** Original rule filed July 14, 1989; effective August 26, 1989.